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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1075th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 March 1995, at 3 p.m.

Chairman: Mr. GARVALOV

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GE.95-15518 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Eighth and ninth periodic reports of Italy (CERD/C/237/Add.1)

1. At the invitation of the Chairman, Mr. Torella di Romagnano, Mr. Citarella, Ms. Manuguerra, Ms. Passannanti, Ms. Carla, Mr. Verga and Ms. Palumbo (Italy) took places at the Committee table.

2. The CHAIRMAN welcomed the delegation of Italy, pointing out that Italy's eighth and ninth periodic reports were consolidated in a single document (CERD/C/237/Add.1)

3. Mr. TORELLA DI ROMAGNANO (Italy), introducing his country's eighth and ninth periodic reports, said that Italy attached particular importance to all problems concerning discrimination and intolerance, which found no encouragement in Italian society. However, some deplorable events had occurred and the inclusion in the Italian delegation of representatives of such important branches of Government as the Ministry of the Interior, the Ministry of Justice and the Ministry of Labour was a tangible demonstration of his Government's great interest in the work of the Committee and of its desire to help it with its monitoring function. The discussion on the reports would be extremely useful as a source of further positive action to be taken in a spirit of mutual cooperation. The reports covered the period from 1987 to April 1993. In his introductory statement and the ensuing discussion, his delegation would be able to update the reports by providing all available information to cover the period from May 1993 to the end of 1994. Moreover, any questions the members of the Committee might ask and any comments and suggestions they might make would certainly help to improve further Italy's compliance with its obligations under the Convention.

4. Italy had been undergoing far-reaching changes in its political, social and economic structure. The impressive action of the judiciary against various forms of corruption involving political parties and managers in finance and industry had brought about a fundamental change in the country's political scene. The "Clean Hands" campaign was at the root of the symbolic end of the first Republic and of the emergence of what was currently called "the second Republic".

5. The Italian economy had suffered constant setbacks in the years 1992 and 1993. The drastic reduction of public works, representing a high percentage of Italy's industry and economy, had caused an increase in the number of unemployed or under-employed persons. According to statistical estimates, the rate of unemployment had reached 13 per cent of the workforce. That phenomenon had had some implications and had raised some doubts, mostly unfounded, about the employment of foreigners.

6. Also to be borne in mind was the often uncontrolled increase in the number of foreigners entering Italy. Owing to the change in the political

structure of some countries of Eastern Europe, a considerable number of persons had migrated, de facto or de jure, to Italy, with a consequential impact on its society, particularly in certain regions.

7. As far as racial discrimination as defined in article 1 of the Convention was concerned, many different categories of situations merited consideration. Traditionally, Italy had had to deal with three main problems that could fall within the purview of the Convention - minorities, nomads and the Jewish community. In recent years, there had been currents of immigration from countries outside the European Union, especially from North Africa and from Eastern European countries.

8. Previous reports and the reports currently under consideration confirmed the absence of any major problem as far as minorities were concerned. Italy, for historical and geographical reasons, had always had intensive and frequent relations with different cultures, with both European and non-European nations. Of all the countries of the European Union, it was the one with the largest number of minorities, some of which were protected under international treaties with neighbouring States. The very fact of the existence, since remote times, of an ever-increasing number of minorities had led the Government, in agreement with local authorities, to proceed along the line of action followed so far. At present, there was also a marked tendency to recognize that some minorities present in limited areas of the national territory should receive legislative and administrative guarantees and encouragement to enable them to preserve their cultural heritages, languages and traditions. A distinction was currently made between "peninsular minorities" and "insular minorities". The former spoke mainly French, German, Ladin and Slovene. The latter spoke Albanian, Catalan, Croat, Franco-Provençal, Friulian, Greek, Ladin, Occitan and Sardinian.

9. In 1944, the Ministry of the Interior had published a comprehensive study on minorities in Italy, which would be made available to anybody interested. It dealt with 12 different minorities, besides nomads, for each of which it gave statistical information on numerical composition, geographical coordinates, languages and dialects, religion, representative organizations, cultural associations, communication media, and so on. More importantly, it provided detailed information on forms of protection and guarantees, including the teaching of minority languages in schools. A bill on the extension of the protection of all minority groups was awaiting discussion and eventual approval by Parliament.

10. The concentration of nomads, including Romas, in or around cities such as Rome, Bologna and Pisa had caused some social tensions with the local populations and also with public authorities. The fact that some nomads were associated with criminal activities and child nomads were used for the commission of minor offences had caused continuous reactions by the local populations, which had persuaded local authorities not to allow nomads to set up their camps in urban areas. The problem of nomads was being strictly monitored; access of minors to schools was being facilitated in every possible way and social action programmes were being carried out with the participation of voluntary organizations.

11. In recent times and particularly in the past two years, no reports had been received of incidents amounting to acts of anti-Semitism, apart from one isolated exception.

12. The increase in the number of foreigners entering Italy was a source of serious concern. Because of the nature of Italy's geographical frontiers, it was difficult to keep a proper watch on high altitude borders and all along the coasts. For that reason, many foreigners were still entering Italy illegally, causing serious problems of various kinds. Some foreigners agreed to work for a fraction of the minimum wage, without any social security or protection. Others, not finding a job, resorted to crime in order to survive. Still others belonged to drug-smuggling organizations or to the world of prostitution.

13. The facts concerning Albanians trying to enter Italy were well known and a recent film gave a realistic and bitter picture of the problem.

14. Often, humanitarian considerations prevailed over other approaches. That was so in the case of a special law giving an opportunity to displaced persons from the former Yugoslavia to enter Italy, at least temporarily, and to be provided with housing, food, education and so on.

15. Faced with such a wide range of different situations and taking into account both international obligations and constitutional provisions, Italy had deemed it appropriate to take a step forward in its action to prevent and to punish any form of racism, intolerance and xenophobia. The report before the Committee made express reference to Decree-Law No. 122 of 26 April 1993. Since the presentation of the report, the Decree-Law had been submitted to Parliament and had been converted into Act No. 205 of 25 June 1993 by an almost unanimous vote. The new legislation responded to a widespread request by public opinion, the mass media and communities for the expansion of the scope of the legislation enacted in 1975. The mere act of incitement to discrimination was now considered an offence, even if it did not amount to incitement to hatred or to violence. At the same time, the new legislation expanded the content of the term "racial discrimination" to include any form of ideology, any incitement to commit or any commission of acts based on racial, ethnic, national or religious grounds. Under the previous legislation, incitement to commit acts of violence had been considered an offence only if perpetrated against "members of national, ethnic or racial groups". The scope of the new legislation had also been expanded in order to characterize as an offence not only the external commission of an act, but also its organization. The final text of the new legislation on discrimination, as amended by Parliament, stipulated that in judgements in which a person was found guilty of having committed an offence in the form of discrimination, accessory penalties might be imposed in addition to a term of imprisonment. A recent Decree of the Ministry of Justice was concerned with the arrangements for enforcing such accessory penalties.

16. Italian society did not breed sentiments of a racist nature. Specific incidents that had occurred had always met with a general rejection by public opinion and the mass media as being contrary to the deepest feelings that governed civil, ethnic and religious life. The Government, in enacting the new legislation, had been inspired mainly by the will to eradicate, once and

for all, certain ideological movements that had been at the root of the incidents against foreigners. As a direct effect of the new legislation, the number of acts of intolerance, discrimination and racial violence had drastically decreased. The new legislation had also made it possible for the judiciary and the police to take action against certain neo-Nazi organizations. The years 1990-1991 had seen the birth of some organized groups described as "national socialist" that professed or tried to profess racist ideologies. As a direct result of the 1993 legislation, some of those organizations had decided to dissolve themselves, while others had been outlawed following intensive action by the criminal investigation police. It had also been possible to arrest and indict persons responsible for setting up such organizations and many of their followers. Criminal proceedings against those persons were following their due course.

17. The latest incident had involved Nazi-skins. In 1994, some of the members of the dissolved "skinhead" organizations had assembled together and marched in the streets of Vicenza. Such a show, accompanied by neo-Nazist emblems and slogans, had led to a massive and unanimous reaction by public opinion, the mass media and the political parties, so strong that the chief of police of Vicenza and the provincial government representative had been removed from office for not having taken appropriate preventive action. The episode had been isolated and unique and had involved no more than 200 persons, most of whom had been identified and indicted.

18. Incidents that could be classified as incidents of "racism" normally fell into different categories. First of all, in Italy, as in most countries of the Western world, there was a limited number of young people aged between 17 and 25 years who seemed to like violence for the sake of violence. They acted in keeping with that tendency, either when they gathered together or when they acted against vulnerable people. It was well known to the police that youngsters who had been members of the above-mentioned dissolved organizations had joined and formed extremist football supporters' clubs and begun violent riots immediately before, during and after matches. They were the same people that turned their violent acts against isolated members of foreign communities. They had been identified and frequently arrested and indicted for their acts of violence. The fact of attacking or beating non-Europeans usually had little to do with racial discrimination. In most cases, the behaviour originated in a compelling urge to give reign to the most violent instincts.

19. On the other hand, some events that could amount to intolerance had been reported in specific geographical areas where there was a particularly high concentration of foreigners from countries outside Europe, mostly from North Africa. That was the case in some places around Rome and in the region of Apulia. All those events had been investigated by the police and criminal actions had been initiated against the persons responsible for them. A brief review of the most common causes for the commission of such acts showed that, in a very limited number of cases, they had their root in feelings of intolerance towards persons from countries outside Europe; that many violent acts were the outcome of clashes between criminal organizations made up of persons from different ethnic groups fighting for the control of drug markets, prostitution and rackets; and that, in other cases, social tensions arose in respect of access to work, since the increased unemployment in Italy had

provided a strong motivation to oppose foreigners who filled vacancies under conditions that were often unlawful, especially in seasonal agricultural activities in rural areas. Some organizations illegally provided employment to foreigners, mostly from North Africa, in which minimum wages were not respected and social insurance was not covered. That type of situation gave rise to "hostilities" against such persons which were not really racially or ethnically motivated.

20. According to statistics of the Ministry of the Interior, incidents of intolerance, discrimination or racial violence against foreigners from outside the European Union had drastically diminished as a result of the 1993 legislation. Acts of violence, which had amounted to 35 cases in 1992, had fallen to 21 cases in 1993 and to 14 cases in 1994. Acts of intolerance, which had amounted to 23 cases in 1992, had fallen to 10 cases in 1993 and to 8 cases in 1994. Only those incidents having a minimum of significance had been accounted for. Criminal proceedings under the new legislation had not yet been concluded, with the result that final judgements were not yet available, although many decisions had been taken by the judiciary under the 1975 legislation.

21. His Government was fully aware that intolerance based on racial, ethnic or religious discrimination could not be totally eradicated by instituting criminal proceedings, although the latter were essential to mark the firm conviction of the State that any form of discrimination was in itself an offence. The action taken by his Government, as well as by local authorities, in a vast campaign of information, education and social assistance was already yielding positive results. For that purpose, the Ministry of Education had recently reminded all local authorities of the need to intensify and improve efforts to achieve intercultural education in schools at all levels. In keeping with the Council of Europe's campaign against racism, xenophobia, anti-semitism and intolerance, the Ministry of Education had also launched a special programme under which xenophobia and racial intolerance in Europe and in Italy would be discussed in all schools. Italy was also in the forefront in giving full support to the United Nations Decade for Human Rights Education and to United Nations action to eliminate discrimination and intolerance.

22. Italy was not perfect, but his Government believed that the country had achieved one of the highest levels in the creation of an integrated and multicultural nation. On 26 February 1995, a huge rally against discrimination, xenophobia and racial intolerance sponsored by voluntary organizations and trade unions and with the participation of all ethnic groups present in Italy had been held in Rome. A special message from the Head of State had been addressed to the organizers. The rally had been attended by 100,000 persons and no incidents had been reported.

23. Mr. de GOUTTES (Country Rapporteur) welcomed the Italian delegation, whose size and expertise reflected the importance which the Government attached to the Committee's work. Mr. Torella di Romagnano's introductory statement had filled in several of the gaps in the written report. Moreover, the Italian Government was to be congratulated on submitting its eighth and ninth periodic reports so promptly after the submission of its seventh periodic report. It was noteworthy that, although Italy had made the declaration under article 14 of the Convention, the Committee had received no

complaint from a person living in Italy. However, he had some doubts as to whether the report under consideration satisfied the Committee's guidelines regarding the form and contents of reports and responded to the requests for further information made during the Committee's consideration of Italy's seventh periodic report.

24. Italy's reports were of great interest to the Committee because Italy occupied an important place on the international scene as far as politics, economics, culture and the defence of human rights were concerned, because it was undergoing profound political, social and institutional changes, because, in recent years, it had experienced a great deal of immigration which might have aroused attitudes of rejection and xenophobia, as it had done in other European countries facing the same phenomenon, and because it had given special status to three regions inhabited by persons speaking minority languages. There were, however, other linguistic minorities in other parts of Italy and the Committee would like to have more information on their status.

25. It was regrettable that the report did not contain the general information specified in the Committee's guidelines for State party reports (CERD/C/70/Rev.3), although the representative's oral statement had provided some useful details, and there were some statistics on immigration in paragraphs 62 to 71 of the report. He asked the representative of Italy to provide background information on the demographic composition of the Italian population, specifying the size of the various ethnic and linguistic communities and the Roma (nomad) community and the number of non-European Community nationals, on the basis of the latest available census. The Committee would also welcome precise information on governmental and institutional developments in Italy and the economic situation.

26. Information would also be required on the extent of migration from the south of Italy to the north and, in general, on the movement of people from rural areas to the cities; racist incidents in areas or suburbs occupied by the poorest groups in the population; and social indicators for various groups, such as foreign nationals, migrant workers and the Roma population, which might show that they were not properly integrated into Italian society and might include the crime rate and the rate of imprisonment, alcoholism, drug use and trafficking, prostitution, suicide and certain diseases, especially AIDS.

27. The report dealt mainly with Italy's implementation of articles 2 to 7 of the Convention. Like many of the reports which came before the Committee, it concentrated too much on legal provisions and failed to give practical examples of implementation and of incidents of racial discrimination in everyday life. For instance, paragraph 2 of the report, dealing with the implementation of article 2 of the Convention, referred to extreme right-wing groups and gangs of "skinheads", but gave no details. What extreme right-wing groups existed in Italy; did they have links with any political parties and did they attract young people? In his introduction, the representative of Italy had stated that penalties had been imposed on some of the groups in question; exactly what penalties were those?

28. He asked for more information about specific cases of racial violence in the recent past. For instance, he had read a country report issued by the United States Department of State in February 1994, which described attacks by neo-Fascist groups on Romas, Jews and third world citizens, especially people from North Africa. A report by Amnesty International in 1994 described a number of cases where foreign citizens had allegedly been ill-treated by the police. The interim report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also referred to discrimination in prisons against persons of Arab origin (A/49/677, para. 98).

29. Paragraphs 7 to 15 of the report dealing with Italy's implementation of article 4 of the Convention described the laws and penalties applicable to acts of racial discrimination and related offences, including the new Decree-Law No. 122 of April 1993 (see also paras. 3 to 5). He would like to know whether the laws described in the report had been fully implemented, whether individuals or groups had been prosecuted under those laws and whether the provisions described covered all the aspects of racial discrimination referred to in article 4 of the Convention. For instance, was it an offence to dismiss or to refuse to employ an individual on the grounds of his race? Was it an offence to refuse to supply an individual with goods or services? And was revisionism, i.e. denial of the genocide of Jews by the Nazi regime, a crime in Italy?

30. Turning to article 5 of the Convention dealing with the enjoyment of economic, social and cultural rights, he had a number of questions about Act No. 39 of February 1990 concerning political asylum and other residence issues for non-European Union citizens (paras. 18 to 23 of the report). Paragraph 18 (g) and (h) stated that the Act "governs regularization" of certain matters relating to the status and employment of the people concerned; did that imply that the Act was more restrictive than the ordinary Italian legislation in those areas? Were there any plans to amend the Act, as the United States Department of State had indicated in 1994? Was there any evidence that the information campaign aimed at non-European Union citizens, referred to in paragraph 19, had had the negative effect of implying that foreign immigrants were a "problem"?

31. Paragraphs 24 to 27 of the report described the regulations governing the deportation of aliens. He would like to receive statistics about the number and nationality of aliens who had been deported in recent years and where they had been sent, as well as details of people refused admission to Italy on the grounds of public order. What happened if no other State was willing to accept them?

32. In respect of political asylum (paras. 33 and 34), he would welcome detailed statistics about the number of people granted political asylum and their countries of origin.

33. Paragraph 35 described the primary reception centres for immigrants which had been set up in various parts of Italy. He wished to know what conditions were like in those centres and in the "reception facilities" referred to in paragraph 35 (e). Did the people living there have full freedom of movement? Did the courts, foreigners' associations or interested non-governmental

organizations have access to the centres and facilities in order to monitor conditions there? How many foreign citizens were currently living in that type of accommodation and had any special arrangements been made for Albanians or refugees from the former Yugoslavia?

34. Paragraph 37 described a council for the problems of non-European Union workers and their families, which had some members from the immigrant community. How were the immigrants' representatives chosen and were they typical of the immigrant population as a whole? He would welcome more details of the special measures adopted in favour of Albanian and Yugoslav citizens, referred to in paragraphs 39, 50 and 51. He congratulated the Government of Italy on the very positive measures for the protection of foreign workers outlined in paragraphs 40 to 48.

35. Paragraph 56 referred to the Act on new nationality regulations of 1992, but it was not clear whether it was more restrictive than its predecessor. He would welcome more information on that point.

36. Paragraphs 58 to 61 described the legislation protecting religious freedom, with specific reference to special agreements between the State and certain religious groups, including Jews and Seventh Day Adventists. He would like to know whether there was a similar agreement with the Muslim community in Italy.

37. He welcomed the statistics on immigration contained in paragraphs 62 to 71, but the Committee needed more, and more recent, information, particularly concerning immigrants from Africa and Latin America.

38. Turning to article 6 of the Convention, he said that there appeared to have been no developments in the individual's right to seek redress before the courts for acts of racism, and that was regrettable because that right was one of the main indicators of the full implementation of the Convention. He would welcome statistics and detailed examples of complaints, prosecutions and convictions in cases of acts of racism of all kinds.

39. In connection with article 7, he asked for more information about the draft law on regulations concerning linguistic minorities and regulations relating to the Slovene and Ladin-speaking linguistic minorities, referred to in paragraphs 73 and 74. Paragraph 84 referred to radio and television programmes in German, Ladin, French and Slovene; was there any provision for such programmes in other minority languages, particularly for non-European Union citizens?

40. He had been impressed by the measures to promote intercultural and multiracial education referred to in paragraphs 75 to 83. Paragraph 81 described the authorities' commendable desire to integrate foreign pupils into Italian schools, but what happened in practice? Were some schools reluctant to take foreign pupils or, on the other hand, were there some areas where the overwhelming majority of pupils were of foreign origin? Paragraph 82 described the provision of teaching on an individual or small-group basis for certain pupils, including those from non-European Union countries: how many children actually received such teaching?

41. Paragraph 83 described the religious instruction provided in Italian schools, in accordance with the constitutional guarantee of complete religious freedom. The Italian policy seemed to be very liberal, but he would like to know how the authorities reacted to the wearing of religious symbols in schools and other educational establishments. He was thinking particularly of the headscarf which was worn by some Muslim girls and which had been the subject of considerable controversy in educational establishments in his own country, France.

42. In conclusion, he thanked the Italian delegation for the spirit of cooperation displayed in the reports which Italy had submitted to the Committee with such admirable regularity and for the high quality of the introductory statement which the Committee had just heard. The Committee had been particularly gratified by the information about Italy's implementation of articles 5 and 7 of the Convention, but he felt that more information should be provided on the general legal framework for the protection of human rights and on Italy's implementation of articles 2, 3, 4 and 6 of the Convention.

43. Mr. ABOUL-NASR said that his sometimes critical remarks should be construed in a spirit of dialogue. He had firsthand experience of Italy and some of its former colonies and was familiar with the non-racist attitudes of its people. No country in the world could claim to be exempt from human rights abuses, however, and he welcomed the statement to that effect in paragraph 2 of the report.

44. The reference to Act No. 101 of March 1989 in paragraph 3 of the report concerning relations between the State and the Union of Italian Jewish Communities needed clarification. Was there an agreement and were similar measures taken with regard to other communities, such as the Croatian or the long-established Albanian communities in the north? Were the privileges and guarantees referred to in paragraphs 58 to 61 of the report confined to the religious communities mentioned in those paragraphs or did they apply to members of other religions such as Islam?

45. He objected to the manner in which the representative of Italy had referred to nomads and to illegal immigrants, describing them as people given to stealing, drug trafficking, prostitution and the like. He saw them somewhat differently, as a group forced by economic conditions in their own countries to emigrate and suffering considerable hardship in seeking to make a living abroad. They were owed some respect and it should not be forgotten that, in the past, Italians, too, had been compelled by economic circumstances to emigrate to other countries, including his own, where they had contributed significantly to the economy and were well respected.

46. He sought enlightenment on the reference by the representative of Italy to "neo-Nazism". Could the members of such ideological movements not be more aptly described as "neo-Fascists" and was there not a danger of the emergence of a new endogenous Fascist movement repeating the sins of the past?

47. Mr. WOLFRUM said that he subscribed to Mr. de Gouttes' thorough analysis of Italy's report and endorsed Mr. Aboul-Nasr's comments. Regarding the format of the report, he asked whether the transfer of minority issues to the section relating to article 7 of the Convention indicated a change of policy.

48. Referring to paragraphs 2 and 3 of the report, he doubted whether it could accurately be claimed that the incidents mentioned were merely isolated ones or, as the representative of Italy had said, simply manifestations of violence that had little to do with racism, although he was grateful that the Italian Government was seeking to clarify the often complex causes of such acts. He assumed that they were racially motivated. Whatever the causes, the Committee would be interested to know what follow-up there had been by the police and the courts to such reported incidents as the beating up of several hundred North African tomato-pickers in southern Italy, acts against North Africans allegedly engaged in drug trafficking and prostitution in Genoa and the burning of a Caritas assistance centre and of lodgings housing foreigners in Rome and Bologna. Another sensitive group was the Gypsy population, which the representative of Italy had referred to as "nomads", and was regarded with suspicion in many European countries. He wished to know what action had been taken in cases involving members of that population and, generally speaking, to improve their situation?

49. With reference to paragraph 3 of the report, he, like previous speakers, would welcome more information on the content of Bill No. 2061/C and on Act No. 101. To which international conventions had Italy acceded and what was meant by "full" accession?

50. Although the effects of the amendments to the criminal law referred to in paragraph 8 of the report were not entirely clear to him, he appreciated that criminal legislation in Italy had generally been improved. He requested an explanation of the difference between "racial" and "ethnic" hatred referred to in the third sentence and how exactly the old and the new law differed.

51. With regard to the oral introduction by the representative of Italy, he asked the same question as Mr. Aboul-Nasr about the "neo-Fascist" movement. What was its policy and to what extent did such groups single out immigrants, foreigners and members of minorities? The Committee needed to ascertain whether life was becoming more difficult for such communities.

52. He expressed surprise that the wording of paragraph 73 of the report on the subject of draft legislation concerning linguistic minorities was virtually the same as that of a paragraph in the sixth periodic report (CERD/C/156/Add.1) dating from 1987, which suggested that the same or a similar bill was still pending seven years later. An explanation was also needed as to whether the Slovene-speaking and Ladin-speaking minorities referred to in paragraph 74 were regarded as linguistic or ethnic minorities. Recalling that there was a treaty between Italy and the former Yugoslavia on the protection of Slovene minorities, he asked whether Italy now regarded Slovenia as the successor State to that treaty and what the relationship was between Slovenia and Italy, especially with regard to the protection of the Slovene minority in Italy; the same question would be asked of Slovenia regarding the Italian minority.

53. He was particularly appreciative of the detailed section in the report on educational issues, a subject glossed over in the periodic reports of most States parties. The information on intercultural education in paragraph 77

was especially welcome and he asked whether the Ministry of Education guidelines referred to in paragraphs 77 and 79 could be made available to the Committee, even in Italian.

54. Mr. BANTON said that he had perceived the representative of Italy's oral introduction to be candid and direct, aptly reflecting Italy's positive human rights record.

55. He asked whether Italy might consider reviewing the reservation it had entered upon signature and ratification of the Convention concerning article 4. He could not detect any right protected by that reservation that was not covered by the Convention. Italy might consider reviewing its reservation in the light of the amendments to the Convention adopted at the fourteenth meeting of States parties.

56. As far as article 2 of the Convention was concerned, the Committee needed three kinds of information in order to ascertain whether the legislative, judicial, administrative and other measures taken by a State party were effective: first, information about the nature of the problems, actual and potential; secondly, information about State measures; and, thirdly, information about the extent to which the measures were alleviating the problems. The report under consideration furnished a succinct description of State measures, but provided less information of the first and third kind. Like Mr. de Gouttes, he was not satisfied with the statistical figures given. In particular, he would like more information about estimates of under-recording in census returns. He had received no reply to the question he had raised during the discussion of the previous report about the estimated number of illegal residents who failed to register with the authorities.

57. With reference to article 4 of the Convention, he requested additional information about the effectiveness of the new provisions described in paragraphs 7 to 15. Had there been any consultations with representatives of the groups designed to be protected and did the members of those groups consider the protective measures to be effective?

58. With regard to article 5 of the Convention, he, too, was disturbed at reports of what was described as racist violence, an example being an attack on a Zairian medical student in 1994. Like Mr. de Gouttes, he wished to know more about the surveillance of police operations and whether the Government was satisfied that procedures for dealing with police errors were properly enforced. Where discrimination occurred, were those responsible retrained or disciplined and what action was taken in respect of victims of racial discrimination by the police?

59. The important question of the protection of the rights of workers, as provided for in article 5 (e) (i) of the Convention, raised the question of the causes or motives of discriminatory behaviour, which, in his experience, were diverse. Discrimination in the workplace, for example, could not be traced to a single source. Whereas competition in recruitment might be a straightforward question of preference, as the representative of Italy had implied, there was, as it were, a scale of preference ranging from the normal to the pathological. He therefore questioned the suggestion that competition was not racially motivated. In common law countries such as his own, racial

motivation was commonly ascertained by means of what he would term the "but for" test, i.e. by asking such a question as: "Would such and such a person have been employed but for the fact that he was of a different ethnic origin?". He drew attention to Italy's participation in an 11-country study being prepared by the International Labour Office. The report already prepared by the Netherlands, using experimental methods, showed that there was a very much higher incidence of racial discrimination in employment than had been thought. He made the further point that protection should not just be seen in terms of criminal law.

60. Referring to article 5 (e) (iii) of the Convention on housing, he said that there were disturbing reports of foreign workers, especially non-European Union citizens, having to pay extortionate sums for inadequate housing and of advertisements in Turin stating that rooms would not be rented to blacks. Were such advertisements illegal and was any action taken? Reports of an incident in 1990 involving the occupation of an abandoned building by a group of non-European Union residents, and their removal, prompted him to ask whether any attempt had been made to draw conclusions from such incidents and formulate a consistent policy for dealing with such situations, in consultation with local authorities. The information contained in paragraph 47 of the report on the provision of health services was welcome, but he wished to know whether it was proving effective and whether such services were available to clandestine residents. The right to equal participation in cultural activities, provided for in article 5 (e) (vi) of the Convention, raised the issue of football violence, on which he had been somewhat reassured by the oral introduction to the report. Football enthusiasm had become a very serious vehicle for racist animosity and measures must be taken both by the State and by those organizing matches.

61. Educational aspects were dealt with in the Italian report in connection with article 7 of the Convention. He himself would also associate those aspects with article 5 on the enjoyment of rights and, in particular, with article 5 (e) (vi) on the right to equal participation in cultural activities. It was obvious that the benefits of education and teaching were greatest among successful pupils and least among those with learning difficulties or drop-outs. Potential hooligans and troublemakers might not be reached by formal education and teaching in order to combat prejudices. His own belief was that the law had an important pedagogical role to play in that connection and he welcomed the Italian initiatives to that end. At the same time, greater attention should be paid to the potential for good or for ill inherent in the mass media and he would be interested to know whether ethnic minorities in Italy ever complained about the way in which they were portrayed, in television programmes, for example, and whether news or programme announcers were recruited from those minorities. He asked about the financing of television programmes for minorities and about the effect on such programmes of attempts to transfer part of the State's share of the cost of broadcasting to advertising and other interests.

62. Like Mr. de Gouttes he regretted the lack of information in the report on the implementation of article 6 of the Convention, but he generally commended the contents of paragraphs 72 to 83. He noted that to problems of school segregation in many European countries stemmed less from official policy

than from the effects of extending parental freedom of choice as a means of encouraging competition between establishments and thereby raising standards.

63. In conclusion, he pointed out that paragraph 18 of General Assembly resolution 49/178 on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights welcomed "the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish, and make available to the media the full text of the concluding observations on their reports to the treaty monitoring bodies ...". In the light of that recommendation, he suggested to the Italian delegation that, if the Government wished to issue a press release concerning the present dialogue, it might contain and reply to the Committee's concluding observations.

64. Mr. van BOVEN commended the Country Rapporteur on his in-depth analysis of the report of Italy and welcomed the ongoing dialogue with the Italian delegation.

65. He requested further information on the role played by the Interministerial Committee on Human Rights, mentioned in paragraph 1 of the report, in preparing the report and invited the delegation to comment on General Recommendation XVII (42) on the establishment of national institutions to facilitate the implementation of the Convention. Were non-governmental organizations involved in the preparation of periodic reports? Were those reports and the Committee's concluding observations published and widely disseminated? If not, that might be a responsibility to be entrusted to the Interministerial Committee.

66. Noting that no communication had so far been received in connection with Italy's declaration under article 14 of the Convention, he asked whether the available procedure had been publicized in Italy; he recalled that the World Conference on Human Rights had set great store by provisions for such remedies.

67. Paragraph 2 of the report contained a frank if succinct admission that instances of intolerance had occurred in Italy. Additional information at his disposal documented a number of anti-Semitic manifestations as well as acts against Gypsies. He urged the authorities to be particularly mindful of the special plight and vulnerability of the latter community, in Italy as in many other countries.

68. The World Conference on Human Rights, the meeting of persons chairing the human rights treaty bodies and the Human Rights Committee had all dealt in detail with reservations to international instruments and had urged that they should be reviewed. Perhaps Italy was now in a position to look again at its reservations to articles 4 and 6 of the Convention, made at the time of signature and ratification some 20 years previously. It certainly seemed from the report before the Committee that there were now few legal obstacles to withdrawal of the reservation concerning article 4. In his view, the reservation to article 6 limited the right to compensation for damage suffered as a result of acts of racial discrimination because it did not refer to the possible responsibility of the State in such matters.

69. He requested information on any relevant rulings and case-law in Italy in connection with anti-Semitism, and invited the delegation to report more fully on that subject in future.

70. With regard to religious freedom, he requested further information on the nature of the agreements between the State and certain denominations mentioned in paragraphs 58 to 61 of the report. Did they take the form of concordats? His curiosity was all the greater because arrangements of that kind were unknown in his own country. Although the matter was of only indirect relevance to the Committee's mandate, he would also ask whether special places of worship and schools existed in Italy for Muslims and persons of other non-Christian faiths.

71. He wished to know whether General Recommendation XIII (42) on the training of law enforcement officials in the protection of human rights was being implemented in Italy. That might be another area where the Interministerial Committee had a role to play.

72. Mr. YUTZIS said that paragraph 2 of the report referred to "instances of intolerance ... sometimes of a xenophobic or anti-Semitic nature", describing them as "sporadic". He would take issue with that adjective and even suggest that it placed matters in a false perspective. To his mind, "symptomatic" would be a far more accurate description.

73. In the first place, to speak of "sporadic initiatives" was to suggest events occurring in isolation, in a sort of capsule, unrelated to any particular environment. Similar assertions were to be found in reports by other States parties, but the Committee had determined that the incidents referred to were far more prevalent than was claimed. As far as Italy was concerned, such acts should be seen in a European context. On the basis of his own findings as Country Rapporteur for France, whose eleventh periodic report (CERD/C/225/Add.2) had been considered in March 1994, he could provide evidence of cross-border exchanges and the mutual advancement of nationalist ideologies conducive to racial discrimination or hatred. It might be true that such acts had decreased in number, but they were still very numerous in comparison with the recent past.

74. As had been pointed out, the intensity of discrimination against foreigners increased in relation to the density of their presence but there was another contributing factor, based on economics rather than demography. Where jobs were scarce for everyone, resentment crystallized in the form of hostility towards foreign immigrants, especially when the latter, who had known even worse situations and who could be easily identified by the colour of their skin, welcomed the chance of employment in the most menial tasks for minimum wages, often under illegal conditions.

75. He did not wish to be accused of partiality, but he had feelings of particular sympathy for the Albanians, who, for reasons that were well known, had crossed the sea in almost unmanageable numbers to Italy in search of a better life. Perhaps those feelings were the result of to his own nationality: he certainly believed that the Italian authorities' treatment of the Albanians had been lacking in dignity and was and unbefitting for a

country whose own wealth had been created largely by the efforts of countless poor expatriates who, a century or more previously and much more recently, had left their homes to find work in countries such as Argentina.

76. In conclusion, he repeated his view that the incidents under discussion were symptomatic, rather than sporadic. Something sporadic was something that occurred only here and there and little more could be done than to note the occurrence, whereas something symptomatic was something that indicated disease: by treating the symptom, a start could be made on treating the disease itself. That was certainly what was called for, as a matter of urgency.

77. The CHAIRMAN invited the members of the Committee to continue their consideration of the eight and ninth periodic reports of Italy at the next meeting.

78. Mr. Torella di Romagnano, Mr. Citarella, Ms. Manuguerra, Ms. Passannanti, Ms. Carla, Mr. Verga and Ms. Palumbo (Italy) withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

79. The CHAIRMAN, referring to the Committee's programme of work, suggested that the second, third, fourth, fifth and sixth periodic reports of Guatemala, consolidated in a single document (CERD/C/256/Add.1), should be considered on Tuesday, 14 March, in the presence of that country's delegation. He apologized for mistakenly informing the Committee that Guatemala had requested a postponement until the forty-seventh session. Such had not been the case.

80. Adjustments to the programme of work, which, for the second and third weeks of the present session, was still provisional, should allow consideration of the additional information requested from Nigeria under article 9, paragraph 1, of the Convention, at present also scheduled for 14 March, in the course of the preceding few days.

81. He also suggested that short notice issues and the question of early warning and urgent procedures, should be taken up promptly, if possible no later than 6 and 7 March.

82. He had received and circulated a letter from the Ambassador of the Federal Republic of Yugoslavia (Serbia and Montenegro) and suggested that it might be considered on 7 March. Consideration of the additional information, supplementary to the special report on the application of the provisions of the Convention, submitted by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) at the Committee's request, was provisionally scheduled for 8 March.

83. If he heard no objection, he would take it that those suggestions concerning the programme of work were acceptable to the Committee.

84. It was so decided.

The meeting rose at 6 p.m.